



**NEIL TORCZYNER**

Attorney at Law

DIRECT TEL.: 516.355.9612

DIRECT FAX: 516.355.9613

[NTORCZYNER@HKPLAW.COM](mailto:NTORCZYNER@HKPLAW.COM)

April 22, 2019

United States District Court Judge Carol Bagley Amon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

VIA: ECF

RE: Jason Singh v. Detective Brian Petit, et al.  
Docket No. 18-CV-7091(CBA)(CLP)

Dear Judge Amon:

The undersigned represents the Plaintiff in this action. I write in partial opposition to Defendants' April 19, 2019 letter seeking an extension to May 3, 2019 for Defendants to answer the Complaint which was served on them in December 2018. (Docket Entry #23). Plaintiff opposes Defendants' letter application as there was no attempt by Defendants to have any form of meet and confer with Plaintiff as to this request, nor does the letter accurately reflect Plaintiff's position.

As the Court may recall, on April 10<sup>th</sup> the parties had a pre-motion conference with the Court in connection with Defendants' requests to move to dismiss and stay discovery pending the motion. After the Court denied the motion for the stay of discovery and gave the Defendants a deadline of April 19, 2019 to decide whether they wished to move forward with the motion, the Court sent the parties to Magistrate Judge Pollak for an initial conference. During the conference the parties agreed that initial requests for production and interrogatories would be served by May 3, 2019, responses by June 7, 2019 and that they would return for another conference on June 25, 2019. (Minute Entry April 10, 2019).

On April 19 (nine days after the parties' conference with the Court), I received an email from Defendants' counsel requesting that the time to answer be extended to May 3 and I responded that *"I don't mind giving you time, but I am required to serve interrogatories and requests for production by 5/3 and I need to see the answer and affirmative defenses before I can get those out. If I give you until 4/28 to serve your answer would that be enough time for you?"* After Defendants responded that I could serve demands and then supplement the demands after the Defendants answered, I tried to have a phone conference to discuss the issues and potentially work out an extension of the discovery schedule, but Defendants refused my request to speak by phone, nor would Defendants explain why April 28, 2019 was insufficient time to answer the complaint.

HKP

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In light of Defendants' refusal to speak by phone and request for a final "position", I wrote "[m]y position is that based on Magistrate Judge Pollak's discovery schedule I can consent to an extension to 4/28, but if you tell me you need an additional day that's fine."

As Defendants have offered no explanation why they need additional time to answer the short three cause of action complaint and their request would inconvenience the Plaintiff by requiring Plaintiff to serve a pre-Answer set of demands and a supplemental post-Answer set of demands, it is respectfully requested that the application be denied and that Defendants be required to Answer by April 28, 2019.

I thank the Court for its consideration in this matter.

Respectfully Submitted  
HARFENIST KRAUT & PERLSTEIN, LLP

By: Neil Torczyner  
Neil Torczyner

CC: All counsel (via ECF only)